

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENNETH H. KATZ
9801 Lakeshore Road
Newton, WI 53063,

Case No: 1:19-cv-00864-WCG
Case Code: 30301

Plaintiff,

FOREFRONT DERMATOLOGY, S.C.,
f/k/a DERMATOLOGY ASSOCIATES
OF WISCONSIN, S.C.
Successors and Assigns
c/o CT Corporation System, Registered
Agent
301 S. Bedford Street, Suite 1
Madison, WI 53703

Involuntary Plaintiff,

vs.

UNITED OF OMAHA LIFE
INSURANCE COMPANY,
Successors and Assigns
c/o The Prentice Hall Corporation
System, Inc.,
registered agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717

and

ABC INSURANCE COMPANY,

Defendants.

**JOINT STIPULATION FOR STAY OF LITIGATION PENDING EXHAUSTION
OF ADMINISTRATIVE REMEDIES**

Plaintiff Kenneth H. Katz (“Katz”), Involuntary Plaintiff Forefront Dermatology, S.C., f/k/a Dermatology Associates of Wisconsin, S.C. (“Dermatology Associates”) and Defendant United of Omaha Life Insurance Company (“United of Omaha Life”), through their undersigned counsel, for good cause and pursuant to Civil L. R. 7 hereby stipulate and agree this action should be administratively stayed until and unless Defendant United of Omaha Life makes an adverse determination of Plaintiff Katz’s claim and Plaintiff Katz has exhausted his administrative remedies as required under the Policy, as follows:

WHEREAS, Plaintiff Katz was at all material times covered by a group long-term disability insurance policy (“Policy”) issued by Defendant United of Omaha Life to Dermatology Associates;

WHEREAS, Plaintiff Katz submitted a claim for long term disability benefits under the Policy to United of Omaha Life;

WHEREAS, on May 2, 2019 United of Omaha Life approved Plaintiff Katz’s claim in part but denied his claim for Plan benefits beyond December 31, 2017;

WHEREAS, Plaintiff Katz was provided with 180 days to submit an appeal of United of Omaha Life’s adverse determination in its letter of May 2, 2019;

WHEREAS, before submitting an appeal of United of Omaha Life’s adverse determination on his claim, Plaintiff Katz commenced this action on or about May 15, 2019 in Manitowoc County Court;

WHEREAS, on June 12, 2019 United of Omaha Life removed the action to this Court under federal question jurisdiction pursuant to the Policy;

WHEREAS, the parties have agreed that Plaintiff Katz shall be permitted to submit an appeal of the adverse determination on his claim to United of Omaha Life by October 2, 2019; United of Omaha Life will respond to such appeal based upon the administrative claims appeal procedure set forth in the Policy; and that this action will be administratively stayed until and unless United of Omaha Life makes an adverse determination of Plaintiff Katz's appeal such that Plaintiff Katz will have exhausted his administrative remedies as required under the Policy. Within 30 days of such a final adverse determination, Plaintiff Katz will notify the Court and the case will return to active status.

In the event the case is returned to active status, within seven days of Plaintiff Katz providing such notice to the Court Plaintiff Katz shall file an Amended Complaint under Federal Rule of Civil Procedure 15 which will include factual statements and/or other grounds supporting his claim for long-term disability benefits under the Policy. Defendant United of Omaha Life and Involuntary Plaintiff Dermatology Associates agree to consent to such an amendment of the Complaint.

It is so stipulated and agreed.

SALUTZ & SALUTZ LLP

Date: July 11, 2019

By /s/ Kevin P. Stangel
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KENNETH H. KATZ AND INVOLUNTARY
PLAINTIFF FOREFRONT DERMATOLOGY
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ASSOCIATES OF WISCONSIN, S.C.**

NILAN JOHNSON LEWIS PA

Date: July 11, 2019

By /s/ William D. Hittler
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**ATTORNEYS FOR DEFENDANT UNITED OF
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